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**THE CITY OF NEW YORK**  
**LAW DEPARTMENT**  
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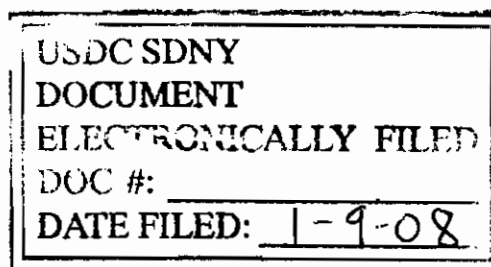
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**MEMO ENDORSED**

January 7, 2008

**BY HAND**

Honorable Denise L. Cote  
United States District Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St., Room 1040  
New York, NY 10007



Re: Israel Beckles v. City of New York, et al., 07 Civ. 11355 (DLC)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendant City of New York.<sup>1</sup> I am writing with respect to the above-referenced matter in which plaintiff alleges that defendants falsely arrested and maliciously prosecuted plaintiff and subjected him to an illegal search. Defendant City respectfully requests an extension of time to respond to the complaint from January 7, 2008 until March 7, 2008. Plaintiff's counsel consents to this request.

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<sup>1</sup> Defendant City also requests this extension on behalf of the individual defendant officer Michael Katinas without appearing on his behalf or making any representations as to the adequacy of service on him so that his defenses are not jeopardized while representation decisions are being made. Assuming officer Katinas was properly served, should the Court grant this enlargement, this office, pursuant to Section 50-k of the New York General Municipal law, and based upon a review of the facts of the case, would have time to determine whether we may represent defendant officer Michael Katinas in this matter. See *Mercurio v. The City of New York, et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting *Williams v. City of New York, et al.*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

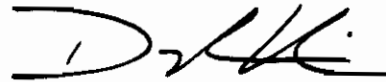
There are several reasons for seeking an enlargement of time in this matter. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations of the complaint. Furthermore, it is our understanding that the records of the underlying criminal action, including police records, may have been sealed pursuant to New York Criminal Procedure Law § 160.50. Therefore, this office is in the process of forwarding to plaintiffs for execution consent and authorizations for the release of sealed arrest and criminal prosecution records so that defendant City can access the information, properly assess the case, and respond to this complaint.

No previous request for an extension has been made by defendant City in this action. Accordingly, we respectfully request that defendant City's time to answer or otherwise respond to the complaint be extended to March 7, 2008.

Thank you for your consideration herein.

*Respectfully submitted*  
*Douglas W. Heim*  
*1/2/08*

Respectfully submitted,



Douglas W. Heim (DH 5238)  
Assistant Corporation Counsel  
Special Federal Litigation Division

cc: Richard J. Cardinale, Esq. (by fax)  
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ECF NOTICE TO BE SENT TO:

Richard Cardinale

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